

**REMARKS**

Claims 1-20 are pending. Claims 11, 17 and 18 have been amended. Claims 21 and 22 have been newly added. No new matter has been added.

The rejection of claim 18 under 35 USC 101 is overcome by the amendment to that claim.

Claims 1-7, 10-15 and 17-20 stand rejected under 35 USC 103(a) as being obvious over the combination of Ueda US 6,538,764 and Kajita US 6,069,706. The rejection is traversed.

Applicants' claims are directed to an image processing apparatus that receives image data from a second external apparatus and transmits the image data to a first external apparatus. Thus, if the image data is not stored in the storage unit, the image processing unit acquires the image data from the second external apparatus and executes a printing process. This feature is disclosed as Embodiments 1 and 3-8 used for fax reception and printing.

According to Embodiment 2, the image processing apparatus, by using an image reading unit provided in the image processing apparatus itself, acquires image data by scanning a document. The image processing apparatus transmits the image data to a first external apparatus. If the image data is not stored in the storage unit (i.e. is missing), the image processing unit instead acquires the image data from the first external apparatus, and transmits the image data to the second external apparatus. This feature is disclosed in Embodiments 2 and onwards used for document scanning and fax transmission.

The Examiner's attention is directed to a particularly salient feature of the claimed invention in that the image processing apparatus, by using the transmission unit provided therein, performs a data backup and, if the data is missing in the apparatus itself, acquires the backed-up data from the backup destination. In contrast, Ueda merely discloses a memory provided in the apparatus itself, neither disclosing nor suggesting transmitting data to an external apparatus as a backup.

In comparison with the second data acquiring unit of the present invention, Ueda merely discloses a memory (internal memory) provided in the apparatus itself, but the apparatus of Ueda

does not acquire data from an external apparatus. Although the Examiner cited a portion of Ueda reciting two memory areas (first and second storage areas), the two memory areas actually exist in a physically common memory resource of the internal memory. Furthermore, the data flows only in one direction between the two memory areas, namely, the first storage area  $\Rightarrow$  the second storage area  $\Rightarrow$  the printing process. Ueda does not disclose that the data transmitted to the second storage area can be used as a backup. If the data in the second storage area are used as a backup in the apparatus of Ueda, it is clear that the apparatus of Ueda does not work properly and the invention of Ueda is destroyed.

Similarly, Kajita neither discloses nor suggests a structure or concept in which the second data, having been transmitted to the computer from the image memory 9 of the copying apparatus 1, can be returned to copying apparatus 1.

Kajita discloses that the apparatus should be used either as a copier or a scanner and, when the apparatus is used as a scanner, the apparatus transmits image data acquired by scanning a document to an external computer (See Figs 2A, 2B, or 2E). Kajita neither discloses nor suggests using the data transmitted to the computer as a backup.

On the other hand, in the image processing apparatus recited in the independent claims, the transmission unit performs a backup of the image data, the second data acquiring unit reacquires the image data, and the image processing unit uses the image data. An apparatus including image data backup and restoration is not disclosed or suggested in any of the cited references.

As is apparent from the above, the second data acquiring unit of the present invention is neither disclosed nor suggested in any of the cited references. It is thus also apparent that the image processing unit including the control of the second data acquiring unit is neither disclosed nor suggested by any of the cited references. Accordingly, any combination of the cited references would not teach the present invention.

In summary, neither Ueda nor Kajita, singularly or in combination, disclose or suggest an image processing apparatus wherein, *inter alia*, the acquired data image is transmitted to the external apparatus “so that the image data is stored in the storage apparatus [of the external apparatus] while the storage unit [of the image processing apparatus also] stores the acquired image data.” and the [backup] data stored in the external apparatus is reacquired if the image data stored in the image processing apparatus is not found. Accordingly, claim 1 is allowable and withdrawal of the rejection of claim 1 is solicited.

Independent claims 17 and 18 are patentably distinguishable for reasons similar to those presented in connection with claim 1. Specifically, neither Ueda nor Kajita, singularly or in combination, disclose or suggest an image processing method or a program executing steps including “a second data acquiring step for acquiring the image data from the external apparatus if the judgment unit judges negatively [i.e., that the image data is not stored in the storage unit]” and “executing the image processing using the image data stored in the storage unit if the judgment unit judges positively, and executing the image processing using the image data acquired by the second data acquiring step if the judgment unit judges negatively.” Accordingly withdrawal of the rejection of independent claims 17 and 18 is likewise solicited.

Claims 2-7, 10-15, 19 and 20 all depend either directly or indirectly from claim 1. Accordingly, these claims are also patentably distinguishable over Ueda and Kajita by virtue of their dependency from the independent claim. Therefore, withdrawal of the rejection of claims 2-7, 10-15, 19 and 20 is likewise solicited.

Claims 8 and 9 stand rejected under 35 USC. 103(a) as being unpatentable over the combination of Ueda and Kajita further in view of Iwazaki US 6,687,742. The rejection is traversed for the reasons presented *supra* in connection with claim 1 from which claims 8 and 9 depend. The addition of Iwazaki does not cure the failure of Ueda or Kajita, singularly or in combination, to

disclose or suggest the subject matter of claim 1. Accordingly, withdrawal of the rejection of claims 8 and 9 is likewise solicited.

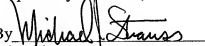
Claim 16 stands rejected under 35 USC. 103(a) as being unpatentable over the combination of Ueda and Kajita further in view of Ogura US 6,961,136. The rejection is traversed for the reasons presented *supra* in connection with claim 1 from which claim 16 depends. The addition of Ogura does not cure the failure of Ueda or Kajita, singularly or in combination, to disclose or suggest the subject matter of claim 1. Accordingly, withdrawal of the rejection of claim 16 is also solicited.

In view of the above, each of the claims in this application is in condition for allowance. Accordingly, the Examiner is requested to withdraw the outstanding rejections of the claims and to pass this application to issue.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **325772034700**.

Dated: June 25, 2009

Respectfully submitted,

By: 

Michael J. Strauss

Registration No.: 32,443  
MORRISON & FOERSTER LLP  
1650 Tysons Blvd, Suite 400  
McLean, Virginia 22102  
(703) 760-7359